Serial No. 09/497,801 Docket No. YOR999-201 YOR.093

<u>REM</u>ARKS

MCGINN IP LAW

Claims 33-36 are all of the claims presently pending in the application. Claims 1-7, 21, 25-30, 32, 37-40 and 44 have been canceled without prejudice or disclaimer. Claims 33-36 have been amended into independent form.

Entry of this Amendment is believed proper since no new issues are being presented to the Examiner that would require further consideration and/or search and the claim amendments place the Application in better form for appeal by materially reducing the issues or appeal.

Applicants specifically state that no amendments to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Applicants gratefully acknowledge the Examiner's indication that claims 33-36 would be allowable if rewritten in independent form. Therefore, merely in an effort to speed prosecution, Applicants have rewritten allowable claims 33-36 in independent form. Additionally, Applicants have canceled claims 1-7, 21, 25-30, 32, 37-40 and 44 to place the Application in condition for immediate allowance.

Applicants expressly reserve the right to file a Continuation Application directed to the subject matter of canceled claims 1-32 and 37-44.

In view of the foregoing, Applicants submit that claims 33-36, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

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Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a <u>telephonic or personal interview</u>.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 50-0510.

Respectfully Submitted,

Date: _____July 2006

Scott M. Tulino, Esq. Registration No. 48,317

Sean M. McGinn, Esq. Registration No. 34,386

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FACSIMILE TRANSMISSION

I hereby certify that I am filing this paper via facsimile, to Group Art Unit 2176, at (571) 273-8300, on July 16, 2006.

Respectfully Submitted,

Date: _____ July 6, 2006

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